

## Working of the Institutions (Easy Notes for Class 9th)

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## Introduction:

In a democratic country, the elected rulers follow some rules and procedures. They work within different institutions and perform their respective functions. These institutions help to prevent concentration of power and attain efficiency in the working of the government. In this chapter, you would know about the Indian institutional design.

## How is a major policy decision taken?

### A government Order:

- The government of India issues hundreds of orders everyday on different matters.
- **O.M. No. 36012/31/90-Est (SCT)** was one of them which was regarding reservation for other backward class (OBC).
- This order was issued on **August 13, 1990** by the Government of India.
- The joint Secretary, an officer in the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensions, signed the Order.
- It announced **a major policy decision.**
  - It said that 27% of the vacancies in civil posts and services under the Government of India are reserved for the **socially and Educationally Backward Classes (SEBC)**

- Earlier there were only two categories who enjoyed reservations, however, this issue introduced third category (SEBC). This third category became eligible for the quota of 27% jobs.

## The Decision Makers:

- The people who take the major decisions involve; *President, Prime Minister and Members of Parliament*.
  - **President:** He is the **head of the state** and is the highest formal authority in the country.
  - **Prime Minister:** He is the head of the Government and actually exercises all governmental powers. He takes most of the decisions in the Cabinet meetings.
  - **Parliament:** It consists of the President and two Houses, Lok Sabha and Rajya Sabha. The Prime Minister must have the support of a majority of Lok Sabha members.
- Now, you would be thinking how do these people take decisions? Is there any procedure they follow? Let's understand by considering the over mentioned order.

## 1. The Mandal Commission Report:

- In **1979**, the government of India appointed the **Second Backward Classes Commission**.
- This commission was headed by **B.P. Mandal**. Hence It was popularly called the Mandal Commission.
- **Mandal Commission** was set up for preparing a report and giving some recommendations regarding upliftment of socially and educationally backward classes.
- In **1980**, the commission gave its report and made many recommendations. One of them was that 27% of government jobs will be reserved for the SEBC.

## 2. Parliament:

- Parliament discussed the report and recommendations of mandal commission afterwards.
- For several years, Parliamentarians and parties kept demanding the implementation of the Commission's recommendations.
- In 1989, when the Lok Sabha elections held, The **Janata Dal** promised in its manifesto that it would implement the Mandal Commission report.
- Later, when V.P. Singh from the Janata Dal became the prime minister, several developments took place.

## 3. The President and other ministers:

- The President of India in his address to the Parliament announced the intention of the government to implement the recommendations of the Mandal Commission.
- On 6th August 1990, the Union Cabinet took a formal decision to implement the recommendations.
- Next day Prime Minister **V.P. Singh** informed the Parliament about this decision through a statement in both the Houses of Parliament.
- The decision of the Cabinet was sent to the Department of Personnel and Training. The senior officers of the Department drafted an order in the line with cabinet decision and took the minister's approval.

- Finally, on the behalf of Union Government, officer signed the [order](#).

## Debates on Reservation:

- The approval of Mandal Commission Report led to widespread protests and counter-protests.
- People had different views and opinions on this issue. Some people favored it whereas other felt the need to take the decision back or change it.
- Those who were against the order, went to **courts** and appealed for declaring the order invalid and stop its implementation.

## Supreme Court:

- The Supreme court bunched all the cases together and named it '[Indira Sawhney and others Vs Union of India case](#)'.
- Eleven judges of the Supreme Court heard arguments of both sides. By a majority, the Supreme Court judges in **1992** declared that **this order of the Government of India was valid**.
- At the same time the Supreme Court asked the government to modify its original order. It said that the benefit should be given to only backward caste belonging to economically weaker sections.
- Accordingly, the Department of Personnel and Training issued another Office Memorandum on **8 September 1993**.
- Thus, the dispute came to an end.

## Need for Political Institutions:

- The government is responsible for ensuring security to the citizens and providing facilities for education and health to all.
- It collects taxes and spends the money thus raised on administration, defense and development programs.
- It formulates and implements several welfare schemes.

All these above given responsibilities are taken care of by different institutions. Constitution lays down basic rules on the powers and functions of each institutions.

- The **Prime Minister and the Cabinet** are institutions that take all important **policy decisions**.
- The **Civil Servants**, working together, are responsible for taking steps to **implement the ministers' decisions**.
- **Supreme Court** is an institution where **disputes** between citizens and the government

## 'Working with institutions is not easy'. Why?

- Institutions involve rules and regulations. This bind the hands of rulers.
- Institutions involve meetings, committees and routines. This often leads to delays and complications.

**Note:** However, delays sometime help in preventing bad decisions.

## 1) Parliament:

**Parliament:** It is a supreme legislative body composed of the president and two houses; Rajya Sabha (Council of States) and Lok Sabha (House of States). At the State level this is called Legislature or Legislative Assembly.

### Why do we need Parliament?

- **Legislative functions:** Parliament is the final authority for making laws. Apart from making laws, it can change existing laws, or abolish existing laws and make new ones in their place.
- **Control over executives:** Parliament exercises some control over the government in rule. Those who run the government can take decisions only so long as they have the confidence or support of Parliament.
- **Control over the financial resources:** In most countries, all the money that government have, can be spent only when Parliament sanctions it.
- **Highest forum of discussion and debate:** Parliament is the highest forum of discussion and debate on public issues and national policy in any country. Moreover, it can also seek information about any matter.

### Two Houses of Parliament:

#### Lok Sabha

1. This house is directly elected by the people.
2. The total number of members in the Lok Sabha are 543.
3. Lok Sabha dissolves after every five years.

#### Rajya Sabha

1. This house is indirectly elected by electoral college.
2. Whereas there are 245 members in Rajya Sabha .
3. Rajya Sabha is permanent. Only one-third members retire after every six years.

### Which house has more power?

1. Any **ordinary law** needs to be passed by both the Houses. But when both the houses face differences, they finalize the decision through **joint session**. Due to more strength, **the view of the Lok Sabha is likely to prevail** in such a meeting.
2. **Lok Sabha exercises more powers in money matters.** Rajya Sabha can either suggest changes in the budget (passed by the Lok Sabha) or delay for 14 days but cannot reject it.
3. Moreover, If the majority of the **Lok Sabha** members passes a vote of '**no confidence**' motion in the council of ministers, all ministers including the Prime Minister, have to quit. The Rajya Sabha does not have this power.

## 2) Political Executive:

- **Executive :** It is a branch in which all the functionaries (the people working under it) take day to day decisions. They are in charge of the 'execution' of the policies of the government. In addition

to that, they are responsible for the administration of state bureaucracy.

- Executive has two categories in a democratic country like India.
  - Political Executive
  - Permanent Executive.

#### Political Executive

1. These are elected by the people for a specific period.
2. They take big decisions.
3. **Example:** President, Prime Minister, Council of Ministers.

#### Permanent Executive

1. These are appointed on a long-term basis. These executives are in civil services.
2. These officers work under political executive and assist them in carrying out day-to-day administration.
3. **Example:** Civil Servants like I.A.S, I.P.S, I.F.S, I.R.S, D.M.

### Why political executive have more power?

- It is because in a democracy **the will of the people is supreme**. The minister is an elected representative of the people and thus empowered to exercise the will of the people on their behalf.
- Political executive or **government is answerable to the people** for all the consequences of its decision.
- Political executive take the advice of experts on all technical matters. But often, the experts hold different opinions. So while taking decisions **government** (political executive) **keep the objective in mind**.

### Prime Minister and Council of Ministers:

- **Prime Minister:** The leader of the majority party (in Lok Sabha) is appointed as prime minister by the President.
- **Council of Ministers:** Ministers who are appointed by the President on the advice of the Prime minister are known as council of ministers (C.O.M.).

**Note:** Prime Minister can choose those persons as C.O.M. who are already the members of Parliament. In case a person is not the member, then first he or she will have to get elected by the Houses of Parliament within six months of appointment as minister.

- **Cabinet Ministers:** These ministers are usually top-level leaders of the ruling party or parties who are in charge of the major ministries.
  - *For Example:* External affairs, Finance, Defense, Education, Agriculture and farmers' welfare etc.
  - Cabinet ministers meet to take decisions in the name of the Council of Ministers.
  - Cabinet comprises about 25 ministers.
  - Moreover, the ministers may have different views and opinions, but everyone has to own up to every decision of the Cabinet.
- **Ministers of State with independent charge:** These ministers are usually in-charge of smaller Ministries.
  - *Example:* Ministry of Labor and employment, Ministry of planning, Ministry of youth affairs and sports.

- They participate in the Cabinet meetings only when specially invited.
- Ministers of State (independent Charge) don't work under the supervision of Cabinet ministers.
- They look after the particular department and report directly to the Prime Ministers.
- **Ministers of State:** They are attached to and required to assist Cabinet Ministers.

### Important points to note:

- No minister can openly criticize any decision of the government and other ministry or department.
- Every ministry has **secretaries**, who are **civil servants**.
  - They provide the necessary information to the ministers.
  - Many senior civil servants try to coordinate the working of different ministers.

### Powers of the Prime Minister:

1. Prime Minister chairs Cabinet meetings.
2. He coordinates the work of different Departments.
3. He exercises general supervision of different ministries.
4. Also, all ministers work under his leadership.
5. The Prime Minister distributes or redistributes work to the ministers.
6. Moreover, He also has the power to dismiss ministers.

**Note:** The Prime Minister of a [coalition government](#) cannot take decisions as he likes.

### The President:

**President:** President of India is the head of the State who exercises only nominal powers.

- The Indian President represents the entire nation.
- He supervises the overall functioning of all the political institutions in the country.
- The President is elected indirectly by the elected members of Parliament (M.Ps.) and the elected Members of the Legislative Assemblies (MLAs.).

### Powers and functions of the President:

1. All **governmental activities** take place in the name of the President.
2. All **Laws and major policy decisions** of the government are issued in his/her name.
3. Even all **major appointments** are made in the name of the President.
  - *For Example:* The appointment of the Chief Justice of India, the Judges of the Supreme Court and High Courts, the Governors, the Election Commissioners, [ambassadors](#), and the Prime Minister.
4. In addition to this, all **international treaties and agreements** are made in the name of the President.
5. The President is the **supreme commander of the defense forces** of India.
6. Moreover, president can also use his/her [veto power](#).
7. A **bill** passed by the Parliament **becomes a law** only after the **President gives assent** to it.
8. When no party or coalition gets a majority in the Lok Sabha, the President **exercises his/her discretion**

- **Note:** President exercises all these powers only on the advice of the Council of Ministers.
  - *For Example:* The President can ask the C.O.M. to reconsider its advice. But if the same advice is given again, he/she is bound to act according to it.

### 3) The Judiciary:

**Judiciary:** Judiciary is the system of courts that interpret and apply the law in the republic of India.

- Indian Judiciary is **independent** and **integrated**.
  - **Independent:** It is not under the control of the legislature or the executive.
  - **Integrated:** Supreme court controls the judicial administration in the country. Its decisions are binding to all other courts of the country.
- In India, there are courts at different levels.
  - **The Supreme court:** This is the highest court of appeal in civil and criminal cases.
  - **High courts:** State level courts.
  - **District or Local courts:** District level courts.

**Appointment of judges:** The judges of Supreme court and high courts are appointed by the President on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court.

**Removal of judges:** A judge can be removed only by an impeachment motion passed separately by two-third members of the two Houses of the Parliament.

#### Powers of Judiciary:

1. **Judicial review:** The Supreme Court and the High Courts have the **power to interpret the Constitution** of the country. They can declare any law of the legislature or the actions of the executive invalid if it violates the basic principles of the Constitution.
2. **Check and balance:** They can check malpractices on the part of public officials.
3. **Power to pass judgments and directives:** Courts can give several judgments and directives to protect public interest and human rights.
  - *For Example:* Public Interest Litigation.
4. **Guardian of the Fundamental Rights:** They have power to safeguard the fundamental rights of the people.

**What is Public Interest Litigation?** P.I.L means any one (whether he/she is victim or not) can approach the courts if public interest is hurt by the actions of government. It is the power given to public by the courts through judicial activism.

#### Category

1. Class 9th

#### Date

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